THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.29721 OF 1998

ORDER:

Petitioner who purchased 500 sq.yards from out of Ac.1.20 cents in survey No.129 of Banjara Hills from Chunnu Singh under registered sale deed dated 27.11.1978 applied to the Government for regularization of her possession over the land purchased by her, whereupon the Collector, Hyderabad (second respondent) through Lr.No.14/5577/95 dated 1.3.1997 informed her to pay Rs.36,65,000/- for regularization of her unauthorized occupation. Questioning the said communication, petitioner filed this writ petition.

The main contention of the learned counsel for the petitioner is that the petitioner who is a bona fide purchaser from the person in lawful possession of the property is being discriminated by the government and is directed to pay a higher amount for regularization of that occupation though in some cases, the government fixed much smaller amounts for regularization of the occupation. Relying on an unreported judgment of this Court in W.P.No.23202 of 1999, dated 27.9.2000 and ***C.P.ROY vs SPECIAL COURT, UNDER LAND GRABBING ACT*** he contended that inasmuch as the government was directed to regularize the possession of the petitioner therein at Rs.1,000/- per square metre respondents ought not to have demanded any amount above Rs.1,000/- per square metre from the petitioner for regularization of her occupation over the land purchased by her, which is similarly situate like the lands in those cases.

The contention of the learned Assistant Government Pleader is that the vendor of the petitioner in fact filed a suit in the Civil Court seeking an injunction restraining the respondents 2 and 3 from interfering with his alleged possession over the entire Ac.1.20 cents in Sy.No.129 corresponding to new Sy.No.403 at Shaikpet, Banjara Hills, and that it was made over to the Special Tribunal constituted under the A.P.Land Grabbging (Prohibition) Act, 1982 (for short 'the Act') and was numbered

as O.P.No.794 of 1991 and the Special Tribunal by its judgment dated 20.2.2003 directed the government to fix a reasonable price between Rs.5,000/- and not beyond Rs.10,000/- per square yard depending the locality and availability of amenities etc., and that the government preferred an appeal against the said order, which is pending before the Special Court constituted under the Act and since the lands in the two decisions relied on by the learned counsel for the petitioner are located in interior areas and since the land purchased by the petitioner is on the main road, in an important location, the rate fixed, being less than the prevailing market rate, petitioner is not entitled to any relief.

Since the land purchased by the petitioner and the land in the two decisions relied on by the learned counsel for the petitioner are in Banjara Hills Area of Hyderabad and since the price fixed in the order impugned is much higher than the price fixed in the two decisions relied on by the learned counsel for the petitioner, I feel it expedient to direct the respondents to reconsider their decision relating to the price, keeping in view the decision of this court with reference to the location of the lands.

Hence, while setting aside the order impugned, respondents are directed to reconsider and refix the value of the site of the petitioners keeping in view the location of the land purchased by the petitioner and the lands in the decision rendered by this court, relied on by the learned counsel for the petitioner, and communicate the decision to the petitioner expeditiously, at any rate within two months from the date of receipt of a copy of this order. No order as to costs.

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10.11.2005

ES / Mdaa